

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 36

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-7-2-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission" means the following:

- (1) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.
- (2) For purposes of IC 12-11-7, the meaning set forth in IC 12-11-7-1.
- (3) For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.
- (4) For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.
- (5) For purposes of IC 12-14-12, the meaning set forth in IC 12-14-12-1.
- (6) For purposes of IC 12-21-6.5, the meaning set forth in IC 12-21-6.5-1.**
- ~~(6)~~ (7) For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 2. IC 12-21-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.5. Commission on Mental Health

Sec. 1. As used in this chapter, "commission" refers to the

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Indiana commission on mental health established by section 2 of this chapter.

Sec. 2. The Indiana commission on mental health is established.

Sec. 3. The commission consists of seventeen (17) members determined as follows:

(1) The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the commission.

(2) The governor shall appoint thirteen (13) lay members, not more than seven (7) of whom may be from the same political party, to serve on the commission for a term of four (4) years as follows:

(A) Four (4) at-large members, not more than two (2) of whom may be from the same political party.

(B) Two (2) consumers of mental health services.

(C) Two (2) representatives of different advocacy groups for consumers of mental health services.

(D) Two (2) members of families of consumers of mental health services.

(E) Three (3) members who represent mental health providers. One (1) of the members appointed under this clause must be a representative of a for-profit psychiatric provider. One (1) of the members appointed under this clause must be a physician licensed under IC 25-22.5.

(3) The governor shall ensure that the members appointed under subdivision (2) represent all geographic areas of Indiana.

Sec. 4. Except for the members appointed under section 3(2)(E) of this chapter, the members of the commission may not have a financial interest in the subject matter to be studied by the commission.

Sec. 5. The chairman of the legislative council shall designate a legislative member of the commission to serve as chairperson of the commission.

Sec. 6. The commission shall operate under the policies governing study committees adopted by the legislative council.

Sec. 7. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

Sec. 8. The commission shall do the following:

(1) Study and evaluate the funding system for mental health

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services in Indiana.

(2) Review and make specific recommendations regarding the provision of mental health services delivered by community providers and state operated hospitals. The review and recommendations must cover services to all age groups including children, youth, and adults.

(3) Review and make recommendations regarding any unmet need for public supported mental health services:

(A) in any specific geographic area; or

(B) throughout Indiana.

In formulating recommendations, the commission shall consider the need, feasibility, and desirability of including additional organizations in the network of providers of mental health services.

(4) Monitor the implementation of managed care for the mentally ill that is paid for in part or in whole by the state.

(5) Make recommendations regarding the commission's findings to the appropriate division or department of state government.

Sec. 9. This chapter expires June 30, 2011.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "commission" refers to the commission on mental health established by IC 12-21-6.5-2, as added by this act.

(b) The initial members of the board shall serve for the following terms:

(1) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for one (1) year.

(2) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for two (2) years.

(3) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for three (3) years.

(4) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for four (4) years.

(5) One (1) member appointed under IC 12-21-6.5-3(2)(B), as added by this act, for one (1) year.

(6) One (1) member appointed under IC 12-21-6.5-3(2)(B), as added by this act, for three (3) years.

(7) One (1) member appointed under IC 12-21-6.5-3(2)(C), as added by this act, for two (2) years.

(8) One (1) member appointed under IC 12-21-6.5-3(2)(C), as added by this act, for four (4) years.

(9) One (1) member appointed under IC 12-21-6.5-3(2)(D), as

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added by this act, for one (1) year.

(10) One (1) member appointed under IC 12-21-6.5-3(2)(D), as added by this act, for three (3) years.

(11) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is a representative of a for-profit psychiatric provider, for two (2) years.

(12) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is a physician licensed under IC 25-22.5, for three (3) years.

(13) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is not described in subdivision (11) or (12), for four (4) years.

(c) This SECTION expires December 31, 2011.

SECTION 4. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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